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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,361	10/09/2002	William James Curtiss	201-1055	7869

22844 7590 11/03/2004

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EXAMINER

PAPE, JOSEPH

ART UNIT PAPER NUMBER

3612

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,361

Applicant(s)

CURTISS ET AL. 

Examiner

Joseph D. Pape

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/9/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I in the reply filed on 9/23/04 is acknowledged.

Claim Objections

2. Claims 1-7 are objected to because of the following informalities:

In claim 1, line 7, it is thought that –relative—should be added after “standoff” for greater clarity.

On the last line, it is thought that in-between should be changed to “there between” for greater clarity. Appropriate correction is required.

In claim 5, line 3, it is thought that “in-between” should be changed to –between- for greater clarity.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 3, the limitations "edge" and "inner door panel" are recited. There is insufficient antecedent basis for these limitations in the claim.

In claims 6 and 7, "adhesive" has no clear antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 5, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Polon.

Polon discloses the claimed invention including an inner panel 14, an outer panel 12 and dimpled sections 26. The dimpled sections provide for the inner panel 14 and the inner portion 16 of the outer panel 12 to be standing off from each other by gaps 64. There is also a second gap, as indicated in the attached marked up copy of Figure 3, between the outer portion of the outer panel 12 and the inner panel 14.

7. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Aida et al.

Polon discloses the claimed invention including an inner panel 16, an outer panel 20 and dimpled sections 18. The dimpled sections provide for the inner panel 16 and the inner portion 20a of the outer panel 20 to be standing off from each other by gaps. There is also a second gap between the outer portion of the outer panel 20 and the inner panel 16. See the in the attached marked up copy of Figure 3.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 6, and 7, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Polon in view of Asai et al.

Polon discloses the claimed invention except for the use of adhesive.

Asai discloses a vehicle door panel hem flange with an inner panel 5, an outer panel 6 and dimpled sections 3. The dimpled sections 3 provide a mechanical

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retaining arrangement to hold the panels until the adhesive cures. The adhesive is discussed in column 2, lines 19-21 and column 3, lines 32-33.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the inner and outer panels at the hem flange of Polon with an adhesive as taught by Asai et al. in order to enhance the securement of the inner and outer panels while the dimpled sections hold the panels until the adhesive cures.

Re claims 6, Polon, as modified, does not disclose the specific type of adhesive being used is an expandable adhesive.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a well known expandable adhesive for the adhesive of Polon, as modified, because such selection of a known material based upon its suitability for its intended use supported a prima facie obviousness determination in *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).

Conclusion

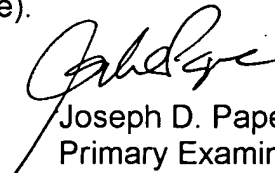
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other hem flange arrangements similar to that of the current invention have been cited.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph D. Pape
Primary Examiner
Art Unit 3612
10/29/04

Jdp

October 29, 2004

Fig. 1
PRIOR ART

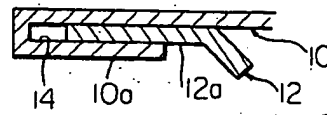


Fig. 2

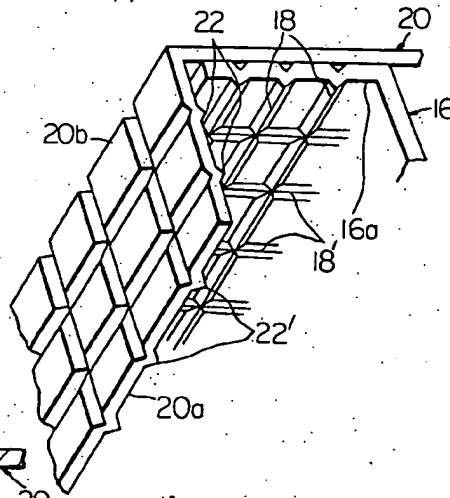


Fig. 3

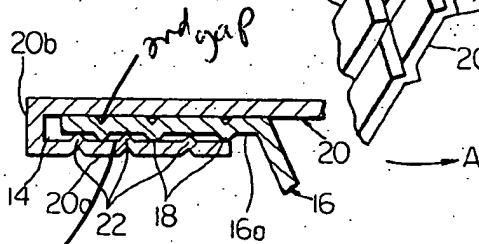


Fig. 4A

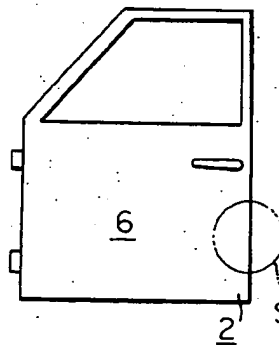


Fig. 4B

